

Cemetery & Funeral Bureau
Advisory Committee Meeting Minutes

Wednesday, December 6, 2006

DCA-Hearing Room
1625 North Market Boulevard

Attendees: Merrill Mefford*, Eva Shaw Ph.D.*, Betty Cooper Youngren*, Andy Bryant*, Virgil County*, Royce Ann Ruhkola Burks*, Steve Schacht*, Lisa Messina*, Dr. Anthony Wallace*, Jim Draper, Clarence Youngren, Norma Wilcox, Karen Howard, Chris Micheli, Jerrigrace Lyons, Bob Achermann, Stan Sandelius, Mark Hill, Jerry Desmond Jr., Sherrie Moffet-Bell, Kim Duran, Paulette McDonald, Lisa Moore, Tanya Morning, Ellis Kjer, John Paul and Douglas Gibson

** - Denotes Committee Member*

Sherrie Moffet-Bell: Bureau Chief – Welcomed everyone to the meeting and introduced our new member to the Committee, Betty Cooper Youngren. “She is a public member representing the Funeral Consumer Alliance. The Bureau is doing very well. We have no backlogs. We are still moving forward with our inspections and enforcement side. Auditing team has a full staff and that is a first for this Bureau. We have conducted more audits in the last nine months than the Bureau has done in the last eight years. Legislation has been passed that we will have to come up with some cemetery maintenance guidelines, which will be a topic for our next Advisory Committee Meeting. We are not going to put strenuous guidelines on these cemeteries, because cemeteries are all of different natures. We have them in the desert, mountains and forest. We are going to be working on this and hope to have something within the next several months. The Audit team will be taxed with putting together a survey that will go to every cemetery that we regulate. That information will be put into a report that will tell us whether the Endowment Care Fund is sufficient to maintain the cemetery for 5 years, 10 years or 15 years, and is the money being trusted properly. That report will identify properties that possibly will not be able to maintain themselves in 5 years vs. ones that can. Committee members will give input on the proposed regulation changes, and then we will open it to Public Comment.”

Merrill Mefford: “Where the word Board is used, we would agree to change it to Bureau. Question on page 8, Section 1214; adding (b) adds a disclosure but does not add a method. Then on page 5, Section 1209 where you are striking ambulances owned by the funeral establishment, there are many funeral establishments that lease or rent vehicles that are not owned by the funeral establishment. If this were passed as written, then we would not be responsible for filthy first-call cars unless they are owned.” Sherrie Moffet-Bell agreed and said “We would fix that one.” Merrill also agreed with page 10, Section 1215 following Centers for Disease Control (CDC).

Lisa Messina: “I agree with what Merrill touched on and at this time I don’t have any other comments.”

Virgil County: “I agree with Lisa and Merrill, no other comments.”

Eva Shaw, Ph.D.: “I also agree and appreciate everyone’s work on this.”

Royce Ann Ruhkola Burks: “Clarification on fees and why are some of them lower?”, Kim Duran added that the fees in yellow are the ones that the Advisory Committee recommended and

the ones in blue are the ones that the Bureau suggested. Merrill Mefford commented that the reason the committee suggested to lower the minimum is to give the Bureau some leeway to assess a fee that would be applicable to each case. Royce Ann continued that if the fines are too low, then it might be easier to accept a number of fines if they are low than fix the problem.

Steve Schacht: “I concur with everything that has been said already.”

Andy Bryant: “Page 31 CCR 1258 it looks like website was added to disclosure. I do think we need to go back and look at what types of disclosure and we may have to add that to several other sections as well. I would also like to see this Committee look at Reciprocity and Trust Regulations.”

Dr. Anthony Wallace: “I concur with everything that has been said. I think a lot of the issues that arise from the consumer perspective is pre-needs. Consumers when it comes to pre-needs don’t have a real handle on how the regulations work. It seems like our pre-need package needs to be something that we take a look at. I run into a lot of consumers where they thought they had something and I have to tell them they actually don’t and they need it. The Consumer Guide could be broadened.” Sherrie added that maybe she would have the Audit staff look at putting something together that maybe could go on our web-site that would alert consumers on what to look for in a pre-need.

Betty Cooper Youngren: “I’m so new that I’m going to pass right now.”

Open to Public Comments:

Norma Wilcox: Representing Funeral Consumer Alliance of Northern California Chico – No place on the Bureau’s web-site for an e-mail address. Sherrie stated, “We would check it out and fix it.” Norma continued that she had some concerns. “Page 19, Section 1241 a & b of CCR for Funeral and also with fines on page 25, Section 2383 CCR for Cemetery. Dropping the fines down was removing incentive for compliance. Against the lower fee, more in favor of \$1,000 to \$1,501 range. Then 1246 CCR of Funeral, citations for unlicensed were not changed. I think these should be balanced between licensed and unlicensed. Page 30, Section 1258(a) CCR for Funeral, requiring 8-point font size is too small would like to see 12-point or larger. Page 31, Section 1258.1(e) where it states “regularly offered for sale”, I believe all containers should be advertised so that people would know what is available and what is the range. I think what is not being included is the “low mans”, particularly cardboard boxes. For somebody that is very low income, that may be all they can afford. I think it is very important that they know it is available to them rather than being more stressed than they already are; page 13, Section 1223.1 of CCR Funeral question for refrigeration: I a person that was acting on their own, and if they were going to bury and if the burial had to be delayed, could they use a refrigeration unit from a licensed facility?” Steve Schacht answered that he was not aware that there was any provisions preventing this. “A facility could charge the family a fee for the use, but that it could be done”, said Steve.

Stan Sandelius: Representing Funeral Consumer Alliance of California. “We are so pleased that we finally have one consumer on the Committee representing us. Betty was on the previous committee.”

Karen Howard: Representing the Redwood Funeral Society. “I just wanted to echo some of the comments of Ms. Wilcox. I also feel that the fees are too low, there is no incentive to correct the problem.”

Jerrigrace Lyons: Representing Redwood Funeral Society and Final Passages. “Page 12, Section 1221 of CCR Funeral Law, under care and preparation of burial: is it saying that only licensed Funeral Directors and no private individuals can be in the preparation room while a loved one is being prepared for burial or cremation?”, Merrill Mefford stated, “Currently that section of law is written to say members of the immediate family of the deceased, and the Committee would like to change it to read “persons whom have been authorized by the person with the right to control disposition.” Sherrie Moffet-Bell stated, “We need to keep in mind the size of the preparation room. You could not have 42 family members watching the preparation in a room that is intended for only 6.” Jerrigrace also commented that she felt if the fines were too low there would not be an incentive to comply.

Karen Howard: “Page 12, Section 1222- Embalming Fluid has been struck.” Ellis Kjer stated, “Most fluids today do not even have these substances in them, so when we were going through them, it was not relevant.” Virgil County replied, “They have not been used in the past 30 or 40 years, so it is not a relevant issue.”

Stan Sandelius: “One more compliment. Last two annual conventions we had a representative from the Bureau speak and they did an excellent job. So, they are out there and available if you ask.”

Last comments from Advisory Committee Members:

Betty Cooper Youngren: “Thank you, Kim, for explaining the different highlights on the handout. It made it easier to understand.

Dr. Anthony Wallace: “I appreciate the consumer input. It’s always helpful to see what the consumers are thinking when we are trying to make changes that will affect everyone. I heard someone mention something about refrigeration and I want to caution that we might not want to get involved with that. I think we should leave that to the discretion of the funeral home, because that could open a can of worms, and I don’t think we want to do that. I also think I heard Virgil mention the Section Code 7100 people allowing themselves into the preparation area. That can also be dangerous. Since the person in charge is authorizing people to be in the preparation room, then we can have a room full of people and we could not do our work. It should be left to the discretion of the Funeral Home depending on the size of the preparation room and what needs to be done.”

Andy Bryant: “Just want to thank all the consumer groups for being here and also would like to thank Sherrie and your staff and all work that has been done on this. Also, Merrill Mefford, George Prather and Jim Draper for their work as well.”

Royce Ann Ruhkola Burks: “Just want to thank you for all the hard work on this, I’ve done this with the District Cemeteries, and it is a lot of hard work.”

Eva Shaw, Ph.D: “I am a consumer voice up here and I appreciate the input that I was given as a consumer advocate from other consumer groups.”

Virgil County: “I would like to just add, even though some of us are in the industry, we also have family members that pass away so we like to look to the consumers to keep a balanced approach. So we also consider ourselves advocates. It’s very encouraging to see some of you people, the public sectors, showing your interest as consumer advocates.”

Lisa Messina: “I would also like to thank the consumers for the helpful suggestions. I have personally, as far as the Department of Consumer Affairs, in the past two years, have personally seen many changes, all for the positive. Some of the comments that I had on the concerns that were presented, partly with respect to fines and heightening fines as opposed to the suggested reduction of those. I know there were a lot of comments as to, if the fines were higher that will promote for people to be more compliant as opposed to lower. Using the example that maybe, we’ll go ahead and not comply with that because it’s such a low fee and we’ll just eat the expense on that. I think that there are a lot of other areas in which it would promote funeral homes to be compliant. One resource that may be an equal medium is with the Department of Consumer Affairs Web site. I’m not sure if we are currently listing violations as far as reports that would be open to the public. Perhaps if those violations were noted and were accessed by the public, then that might also help the funeral homes not wanting to have that bad publicity listed and be more compliant in areas, but not necessarily paying that heightened penalty. Chances are those that are not compliant are not compliant in many areas and not in just one particular area. We have such a vast amount of regulations to follow that perhaps most funeral homes will have one or two areas that they need to improve or sometimes maybe even several more. Just something to perhaps give thought to.”

Merrill Mefford: “Sherrie, would it be appropriate for you to perhaps appoint a sub committee to get together on a little timelier basis and review these things and all the factors involved and then come to this group with recommendations on what we have compromised? I think we would be able to get more accomplished.” Sherrie responded that this could be a working group and yes, that could be done. It would be much more workable, and then we could put it out to everybody to see what the changes are and get public input. “Would the public be excluded from the working meetings?” asked an audience member. “I would say yes, that it will be a working meeting. This is a very formal setting, and I think we are talking about sitting at a small table and going through things on more a one on one basis. Not leaving out the consumer side by all means and certainly not coming up with any final recommendations without coming to the committee like this and going over it again.”, answered Sherrie. “My question was would the public be excluded from those meetings?” asked an audience member. Sherrie’s response, “Yes, it would be just like if I had a meeting with certain groups that are up here right now, I would not include the public.” Virgil County commented, “I think that doing it in that format would help get this ratified and through the process to help consumers, in meeting more formally, it goes slower. It would be to all of our advantages to do it like the group has suggested.” Sherrie stated “There would not be any behind the door decisions made. These will go out to the interested parties before the meeting, so you would be able to see what is being recommended and have input again.”

Norma Wilcox: “I visited a Rabbi friend this summer and one of the things that was important to him and to other people of the Jewish faith, is the ritual bathing. The men bathe the

men and the women bathe the women. They are specially trained. I needed the name of the woman that was in charge and I contacted her. I asked her how would it affect you if you couldn't do the ritual bathing in a funeral home? She said It would be very upsetting to people of Jewish faith. She said that they regularly go in at the request of family members. They work with all the funeral homes in that area. So, I know that Dr. Wallace mentioned that he didn't want a lot of people in the preparation room to prevent them from doing their work. I agree that you need your time for your work, too, but for certain groups to do ritual bathing, and there are many groups that do, it is very important to them to be able to come in and it doesn't really take that much time." Dr. Wallace responded, "That is not what I was saying to that extent, because we have that happen all the time. But it has to be something that is authorized by the next of kin or the person with authorization for the service. We don't have a problem with that. What I mean is that if you were the spouse of the husband, well I have eight kids and nine grandkids and we are all going to be back in that room at the same time to watch what you guys do. That is what I mean. But if you have something that is a religious belief or something like that, we would not prevent that from happening. We have that happen all the time." Sherrie Moffet-Bell said, "I want to piggy back on that as well, at least in the last two years of this Bureau we have not had a complaint where somebody has been prevented from doing a ritual." Norma Wilcox, "I'm glad, I was just a little concerned when I heard what you said and I just wanted to clarify the viewpoints of certain people who asked me to voice their concerns." Steve Schacht said, "Most Synagogues and religious organizations have people that work with all the funeral homes that I know of. I think what he was referring to it all goes back to the privacy in the preparation room. That's really a consumer issue or it was to protect the consumer and the privacy of the individual and it's a good thing that we maintain the privacy for people. With proper written authority from the legal next of kin who has the right to control disposition, the Jewish community have all these things and the LDS community, they have their women come in and dress, so these things are accommodated." Lisa Messina stated, "I think mostly what Dr. Wallace was pertaining to was perhaps under embalming preparations. As far as opening facilities up for washing, or dressing, I think most funeral homes, as it has been represented, are welcoming to that. But I think the limitation or clarification would be specifically when an embalming is taking place. Specifically because you have licensed embalmers within there that are, as far as going through the motions and preparations, and if you have your crowd of people that perhaps maybe aren't understanding in preparations and that could cause for some difficulty for that type of preparation to be completed. I don't think it was pertaining to dressing or bathing or having those traditional services." Norma Wilcox replied, "Ok, thank you very much."

Sherrie Moffet-Bell: Thanked everyone for coming and introduced Patty Harris, who was in the audience, as Sherrie's boss and the new Director of Bureau Relations.

Patti Harris: It was very interesting and thank-you for serving. I know it is a major dedication to do this. I came from Pharmacy Board for many years, so I'm very familiar with the operations. It is a big comment and we do appreciate you and especially the consumer members. The goal is that you are involved in the process, so thank you again, we do appreciate it.

Meeting Adjourned.